

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALICE KRAMER, as Personal Representative :
of the Estate of Arthur Kramer, :

Plaintiff,

—against—

**LOCKWOOD PENSION SERVICES, INC.,
ET AL.,**

Defendants. :

Case No.: 08 CV 2429-DAB-MHD

ECF Case

PHOENIX LIFE INSURANCE CO.,

**Third-Party
Plaintiff,**

—against—

STEVEN LOCKWOOD,
Third-Party
Defendant.

Third-Party Defendant.

**LIFE PRODUCT CLEARING LLC, and
JONATHAN S. BERCK**

**Third-Party
Plaintiffs,**

—against—

LIZA KRAMER and ANDREW B. KRAMER,
Third-Party
Defendants.

Third-Party Defendants.

AFFIDAVIT OF ELIZABETH L. MCLACHLAN

STATE OF PENNSYLVANIA)
)
COUNTY OF PHILADELPHIA) SS:

Elizabeth L. McLachlan, being duly sworn, affirms the following under penalties of perjury:

1. I am an associate of the law firm of Drinker Biddle & Reath LLP, attorneys for Defendant Lincoln Life & Annuity Company of New York in the above-captioned action, in which I have been admitted pro hac vice. I am familiar with all the facts and circumstances herein. I make this affidavit in support of the Memorandum of Law of Lincoln Life & Annuity Company of New York in Support of Its Motion to Dismiss the Cross-Claims of Defendant Jonathan S. Berck ("Lincoln's Memorandum of Law").

2. Attached as Exhibit 1 to Lincoln's Memorandum of Law are the unpublished cases cited therein in alphabetical order.

3. Attached as Exhibit 2 to Lincoln's Memorandum of Law is a true and correct copy of the Verified Complaint in the case of *Lincoln Life & Annuity Company of New York v. Lockwood Pension Services, Inc., et al.*, CV-08-501914-S (Conn. Super. Ct., Hartford J.D., filed April 16, 2008).

4. Attached as Exhibit 3 to Lincoln's Memorandum of Law is a true and correct copy of the Case History, in the case of *Lincoln Life & Annuity Company of New York v. Lockwood Pension Services, Inc., et al.*, CV-08-501914-S (Conn. Super. Ct., Hartford J.D., filed April 16, 2008), as of August 25, 2008, and as reflected on the State of Connecticut, Judicial Branch's webpage at <http://civilinquiry.jud.ct.gov/DispDetail.asp?DocNum=HHD-CV-08-5019142-S>.

Dated: August 25, 2008


Elizabeth L. McLachlan

Sworn to before me this
25th day of August 2008


Notary Public

NOTARIAL SEAL
Renay L. Wanser, Notary Public
City of Philadelphia, Philadelphia County
My commission expires July 06, 2010